

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDRE KENNETH STUCKEY,
Plaintiff,
v.
DONALD J. TRUMP, et al.,
Defendants.

Case No. 19-cv-03688-YGR (PR)

**ORDER CERTIFYING THAT
PLAINTIFF'S APPEAL IS NOT IN
GOOD FAITH UNDER 28 U.S.C.
§ 1915(A)(3)**

This closed federal civil rights action was filed by a *pro se* state prisoner. On January 29, 2020, the Court issued its Order of Dismissal and entered judgment. Dkts. 14, 15. On March 2, 2020, Plaintiff filed a Notice of Appeal from the Court's January 29, 2020 Order. Dkt. 16.

The Ninth Circuit has referred the matter to this Court for a determination whether Plaintiff's *in forma pauperis* ("IFP") status should continue for this appeal. Dkt. 18. This Court determines that it should not. There are no valid grounds on which an appeal can be based. Consequently, the Court certifies that any appeal taken from its January 29, 2020 Order and from the accompanying judgment of this action will not be taken in good faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674-75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly, Plaintiff's IFP status is hereby REVOKED.

The Clerk of the Court shall forthwith notify Plaintiff and the Ninth Circuit of this Order. *See* FRAP 24(a)(4). Plaintiff may file a motion for leave to proceed IFP on appeal in the Ninth Circuit within **thirty (30) days** after service of notice of this Order. *See* FRAP 24(a)(5). Any such motion “must include a copy of the affidavit filed in the district court and the district court’s statement of reasons for its action.” *Id.*

IT IS SO ORDERED.

Dated: March 24, 2020

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
United States District Judge